

REMARKS

Further to the Office Communication dated August 17, 2006, claims 20-43 have been canceled and original claims 1-19 have been rewritten as new claims 44-62 in the present Amendment.

Independent claims 44, 45 and 48 are neither anticipated nor obvious over prior art documents by the Examiner in the Office Action dated March 3, 2006, namely Hui-Chiu Chang, et al., The American Journal of Chinese Medicine, Vol. 30, Nos. 2 & 3, pgs. 307-314 (2002), H.K. Hsu et al., Kaohsiung J. Med. Sci., Vol. 19, No. 8, pgs. 385-390 (2003), Green, J., The Herbal Medicine-Maker's Handbook, A Home Manual, The Crossing Press (2000), and Luo et al., Fitoterapia, Vol. 71, pgs. 492-496, (2000). Claims 44, 45 and 48 are respectively directed to an extract of *Toona sinensis* and a process for making the same, wherein the extract is suitable for inhibiting growth of a cancer cell selected from the group consisting of ovarian cancer cell and bladder cancer cell.

Specifically, Chang et al, discloses that aqueous extracts from the leaves of *Toona sinensis* are capable of suppressing proliferation of human lung adenocarcinoma cells A54. Based on the disclosure, the Examiner asserts that extracts from leaves of *Toona sinensis*, such as those obtained according to the teachings of the prior art relied on by the Examiner, alone or in combination, would be effective in suppressing all types and sorts of tumor/cancer cells, including ovarian and bladder cancer cells. This assertion is unfounded as there is no teaching or suggestion in the prior art relied upon as to this limitation of the present claims.

In the presently claimed invention, the Applicants investigated the effects of extracts from leaves of *Toona sinensis* upon different cancer cell lines from the urogynecological system, including a bladder cancer cell line T24, two ovarian cancer cell

lines SKOV3 and PA-1, two cervical cancer cell lines HeLa and HeLa S3, and an endometrial cancer cell line RL95-2. It was surprisingly found that among the tested cancer cell lines, only the bladder cancer cell and the ovarian cancer cell were susceptible to the extracts from leaves of *Toona sinensis* made according to this invention. In particular, please see Example 3 on page 22 and Example 5 on page 26 of the specification for results on bladder and ovarian cancer cells. Hence, the Examples provided in the specification clearly attest to the fact that the Examiner's aforesaid presumption is untenable.

Furthermore, while both water and alcohol are common solvents widely used in extracting pharmacologically active substances from natural sources such as herbal plants, the manner of using these solvents results in the production of different extracts, the activities/effects of which are different and unpredictable, as evidenced by the examples provided in the specification. Additionally, there is an absence of teaching or suggestion in the relied upon prior art as to the use of the resulting extracts for the inhibition of growth of ovarian and bladder cancer cells. Thus, the present independent claims are not anticipated or rendered obvious by the prior art relied upon by the Examiner and should be deemed to contain allowable subject matter. As claims 46, 47 and 49-62 depend directly or indirectly from independent claims 44, 45 and 48, and add further limitations thereto, these claims should also be considered allowable for the reasons set forth herein.

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For all the foregoing reasons, Applicants believe that claims 44-62 are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of pending claims 44-62 are respectfully requested.

Respectfully submitted,

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